

## Message Text

UNCLASSIFIED

PAGE 01 STATE 046198  
ORIGIN FAA-00

INFO OCT-01 AF-08 ARA-10 EUR-12 EA-09 NEA-10 ISO-00 CAB-05  
CIAE-00 COME-00 DODE-00 DOTE-00 EB-08 INR-07 NSAE-00  
L-03 IO-13 SS-15 NSC-05 SP-02 SIG-02 /110 R

DRAFTED BY FAA/AIA:COARY/FFA/AGC:JSTEWART  
APPROVED BY EB/AVP:AJWHITE  
AF - RDUNCAN  
ARA - DTAHER  
EUR - MR. DOBBINS  
NEA/EGY - MR. BEYER  
EA/ANP - MR. NELSON  
L/T - MR. MCQUADE  
CAB - MR. SCHWARTZKOPF

-----022140 118313 /73

P 021952Z MAR 77  
FM SECSTATE WASHDC  
TO AMEMBASSY CANBERRA PRIORITY  
AMEMBASSY BRIDGETOWN PRIORITY  
AMEMBASSY BRASILIA PRIORITY  
AMEMBASSY OTTAWA PRIORITY  
AMEMBASSY PARIS PRIORITY  
AMEMBASSY BONN PRIORITY  
AMEMBASSY ROME PRIORITY  
AMEMBASSY NAIROBI PRIORITY  
AMEMBASSY MEXICO PRIORITY  
AMEMBASSY WARSAW PRIORITY  
AMEMBASSY DAKAR PRIORITY  
AMEMBASSY MOSCOW PRIORITY  
AMEMBASSY LONDON PRIORITY  
AMEMBASSY BUENOS AIRES PRIORITY  
AMEMBASSY NEW DELHI PRIORITY  
AMEMBASSY CAIRO PRIORITY  
AMEMBASSY STOCKHOLM PRIORITY  
INFO AMCONSUL MELBOURNE PRIORITY  
AMCONSUL RIO DE JANEIRO PRIORITY  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 046198

UNCLAS STATE 046198

E.O. 11652:N/A

TAGS: EAIR, XX

SUBJECT: CIVAIR - MEETING OF SPECIAL LEGAL SUBCOMMITTEE  
MARCH 23-APRIL 7, 1977, LEASE, CHARTER AND INTERCHANGE

1. A MEETING OF THE ICAO SPECIAL LEGAL SUBCOMMITTEE WILL BE CONVENED IN MONTREAL ON MARCH 23-APRIL 7 TO DISCUSS PROPOSED SOLUTIONS TO PROBLEMS INVOLVED IN LEASE, CHARTER AND INTERCHANGE OF AIRCRAFT IN INTERNATIONAL OPERATIONS AND REPRESENTATIVES OF HOST GOVERNMENTS EXPECTED TO ATTEND. IT

IS BELIEVED USEFUL TO INFORM OTHER SUBCOMMITTEE MEMBERS WITH REGARD TO OUR INTENDED COURSE OF ACTION PRIOR TO THE MEETING AND TO SEEK THEIR REACTION AND SUPPORT. FOR THESE REASONS, IT IS REQUESTED THAT EMBASSY ASCERTAIN THE HOST GOVT OFFICE INVOLVED AND MAKE THE FOLLOWING REPRESENTATIONS AS SOON AS POSSIBLE:

A. RECOGNIZING THE NEED FOR ACTION ON LEASE, CHARTER OR INTERCHANGE OF AIRCRAFT INTERNATIONALLY, WE WISH TO SOLICIT VIEWS ON A COURSE OF ACTION INTENDED TO RESULT IN THE TIMELY RESOLUTION OF PROBLEMS INVOLVED IN THE INTERNATIONAL OPERATION OF AIRCRAFT REGISTERED IN ONE COUNTRY AND OPERATED BY NATIONALS OF ANOTHER COUNTRY.

B. THE U.S. IS CONCERNED THAT THE RESPONSIBILITY FOR

SAFETY PLACED ON THE STATE OF REGISTRY BY THE CHICAGO CONVENTION CANNOT ALWAYS BE EFFECTIVELY DISCHARGED WHEN THE AIRCRAFT ARE OPERATED BY NATIONALS OF ANOTHER COUNTRY AND HAS FOR SOME YEARS SOUGHT AN EQUITABLE RESOLUTION TO  
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 046198

THE PROBLEM.

B. IT IS NOTED THAT THE SPECIAL SUBCOMMITTEES' TERMS OF REFERENCE INCLUDE CONSIDERATION OF A PROPOSAL FOR AN AMENDMENT TO THE CHICAGO CONVENTION.

C. WE BELIEVE THAT IT WOULD BE ESPECIALLY HELPFUL TO HAVE AN EXPRESSION OF VIEWS WITH REGARD TO PROPOSED LANGUAGE FOR SUCH AN AMENDMENT. IT WOULD FACILITATE THE WORK OF THE SUBCOMMITTEE IF EACH DELEGATION COULD HAVE ALREADY GIVEN SOME CONSIDERATION TO THIS TASK.

D. SUGGESTED LANGUAGE FOR AN AMENDMENT TO THE CONVENTION WAS MADE AVAILABLE AT THE MEETING OF A PANEL OF EXPERTS ON LEASE, CHARTER AND INTERCHANGE WHICH WAS HELD IN MONTREAL LAST OCTOBER, AND IS CONTAINED IN THE ICAO REPORT OF THE MEETING (PE-CHA REPORT) DATED OCTOBER 15, 1976. THE U.S. FEELS THAT AN AMENDMENT ALONG THE LINES CONTAINED IN THE PANEL REPORT WOULD RESOLVE THE EXISTING PROBLEMS IN ASSUR-

ING EFFECTIVE SAFETY ADMINISTRATION.

2. WE WOULD APPRECIATE YOUR REPORT OF REACTION OF THE  
HOST GOVERNMENT TO PROPOSED AMENDMENT LANGUAGE ANNEXED TO

PANEL REPORT.

3. IF HOST GOVERNMENT IS UNABLE TO OBTAIN SUGGESTED

LANGUAGE ANNEXED TO PANEL REPORT, IT IS AS FOLLOWS:

QUOTE. A CONTRACTING STATE MAY ENTER INTO AN AGREEMENT  
WITH ANOTHER STATE WITH RESPECT TO SAFETY RESPONSIBILITY  
OVER AIRCRAFT OF ITS REGISTRY WHEREBY ALL OR CERTAIN RIGHTS  
AND OBLIGATIONS INVOLVING SUCH SAFETY RESPONSIBILITY  
ASSIGNED TO THE STATE OF REGISTRY UNDER THIS CONVENTION ARE  
TRANSFERRED BY MUTUAL AGREEMENT TO THE OTHER CONTRACTING  
STATE WHEN SUCH AIRCRAFT ARE LEASED WITHOUT CREW TO A  
LESSEE WHO HAS HIS PRINCIPAL PLACE OF BUSINESS OR, IF THE  
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 046198

LESSEE HAS NO SUCH PLACE OF BUSINESS, HIS PERMANENT RESI-  
DENCE, IN THAT STATE. CONTRACTING STATES NOT PARTIES TO  
SUCH AGREEMENTS SHALL RECOGNIZE THAT THE STATE WHICH AGREES  
TO ACCEPT SUCH SAFETY RESPONSIBILITY SHALL BE SOLELY  
RESPONSIBLE THEREFORE UNDER THE RELEVANT PROVISIONS OF

THIS CONVENTION FOR THE DURATION OF THE LEASE. UNQUOTE.

VANCE

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 STATE 046198

ORIGIN EB-08

INFO OCT-01 AF-08 ISO-00 FAA-00 DOTE-00 /017 R

66011

DRAFTED BY:EB:OA:ANP:JSGRAVATT

APPROVED BY:EB:OA:AVP:AJWHITE

FAA:JMOTT

-----172034Z 081088 /41

R 170445Z MAR 77

FM SECSTATE WASHDC  
TO AMEMBASSY LAGOS

UNCLAS STATE 046198

FOLLOWING TELEGRAM FROM SECSTATE WASHDC DATED MARCH 2, 1977  
SENT CANBERRA, BRIDGETOWN, BRASILIA, OTTAWA, PARIS, BONN, ROME,  
NAIROBI, MEXICO, WARSAW, DAKAR, MOSCOW, LONDON, BUENOS AIRES,  
NEW DELHI, CAIRO, STOCKHOLM, INFO MELBOURNE, RIO DE JANEIRO  
IS REPEATED TO YOU: QUOTE

UNCLAS STATE 046198

E.O. 11652:N/A

TAGS: EAIR, XX

SUBJECT: CIVAIR - MEETING OF SPECIAL LEGAL SUBCOMMITTEE  
MARCH 23-APRIL 7, 1977, LEASE, CHARTER AND INTERCHANGE

1. A METING OF THE ICAO SPECIAL LEGAL SUBCOMMITTEE WILL  
BE CONVENED IN MONTREAL ON MARCH 23-APRIL 7 TO DISCUSS  
PROPOSED SOLUTIONS TO PROBLEMS INVOLVED IN LEASE, CHARTER  
AND INTERCHANGE OF AIRCRAFT IN INTERNATIONAL OPERATIONS AND  
REPRESENTATIVES OF HOST GOVERNMENTS EXPECTED TO ATTEND. IT  
IS BELIEVED USEFUL TO INFORM OTHER SUBCOMMITTEE MEMBERS  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 046198

WITH REGARD TO OUR INTENDED COURSE OF ACTION PRIOR TO THE  
MEETING AND TO SEEK THEIR REACTION AND SUPPORT. FOR THESE  
REASONS, IT IS REQUESTED THAT EMBASSY ASCERTAIN THE HOST  
GOVT OFFICE INVOLVED AND MAKE THE FOLLOWING REPRESENTATIONS  
AS SOON AS POSSIBLE:

A. RECOGNIZING THE NEED FOR ACTION ON LEASE, CHARTER OR  
INTERCHANGE OF AIRCRAFT INTERNATIONALLY, WE WISH TO SOLICIT  
VIEWS ON A COURSE OF ACTION INTENDED TO RESULT IN THE  
TIMELY RESOLUTION OF PROBLEMS INVOLVED IN THE INTERNATIONAL  
OPERATION OF AIRCRAFT REGISTERED IN ONE COUNTRY AND  
OPERATED BY NATIONALS OF ANOTHER COUNTRY.

B. THE U.S. IS CONCERNED THAT THE RESPONSIBILITY FOR

SAFETY PLACED ON THE STATE OF REGISTRY BY THE CHICAGO  
CONVENTION CANNOT ALWAYS BE EFFECTIVELY DISCHARGED WHEN  
THE AIRCRAFT ARE OPERATED BY NATIONALS OF ANOTHER COUNTRY  
AND HAS FOR SOME YEARS SOUGHT AN EQUITABLE RESOLUTION TO  
THE PROBLEM.

B. IT IS NOTED THAT THE SPECIAL SUBCOMMITTEES' TERMS OF REFERENCE INCLUDE CONSIDERATION OF A PROPOSAL FOR AN AMENDMENT TO THE CHICAGO CONVENTION.

C. WE BELIEVE THAT IT WOULD BE ESPECIALLY HELPFUL TO HAVE AN EXPRESSION OF VIEWS WITH REGARD TO PROPOSED LANGUAGE FOR SUCH AN AMENDMENT. IT WOULD FACILITATE THE WORK OF THE SUBCOMMITTEE IF EACH DELEGATION COULD HAVE ALREADY GIVEN SOME CONSIDERATION TO THIS TASK.

D. SUGGESTED LANGUAGE FOR AN AMENDMENT TO THE CONVENTION WAS MADE AVAILABLE AT THE METING OF A PANEL OF EXPERTS ON LEASE, CHARTER AND INTERCHANGE WHICH WAS HELD IN MONTREAL LAST OCTOBER, AND IS CONTAINED IN THE ICAO REPORT OF THE MEETING (PE-CHA REPORT) DATED OCTOBER 15, 1976. THE U.S.  
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 046198

FEELS THAT AN AMENDMENT ALONG THE LINES CONTAINED IN THE PANEL REPORT WOULD RESOLVE THE EXISTING PROBLEMS IN ASSURING EFFECTIVE SAFETY ADMINISTRATION.

2. WE WOULD APPRECIATE YOUR REPORT OF REACTION OF THE HOST GOVERNMENT TO PROPOSED AMENDMENT LANGUAGE ANNEXED TO

PANEL REPORT.

3. IF HOST GOVERNMENT IS UNABLE TO OBTAIN SUGGESTED

LANGUAGE ANNEXED TO PANEL REPORT, IT IS AS FOLLOWS:  
QUOTE. A CONTRACTING STATE MAY ENTER INTO AN AGREEMENT WITH ANOTHER STATE WITH RESPECT TO SAFETY RESPONSIBILITY OVER AIRCRAFT OF ITS REGISTRY WHEREBY ALL OR CERTAIN RIGHTS AND OBLIGATIONS INVOLVING SUCH SAFETY RESPONSIBILITY ASSIGNED TO THE STATE OF REGISTRY UNDER THIS CONVENTION ARE TRANSFERRED BY MUTUAL AGREEMENT TO THE OTHER CONTRACTING STATE WHEN SUCH AIRCRAFT ARE LEASED WITHOUT CREW TO A LESSEE WHO HAS HIS PRINCIPAL PLACE OF BUSINESS OR, IF THE LESSEE HAS NO SUCH PLACE OF BUSINESS, HIS PERMANENT RESIDENCE, IN THAT STATE. CONTRACTING STATES NOT PARTIES TO SUCH AGREEMENTS SHALL RECOGNIZE THAT THE STATE WHICH AGREES TO ACCEPT SUCH SAFETY RESPONSIBILITY SHALL BE SOLELY RESPONSIBLE THEREFORE UNDER THE RELEVANT PROVISIONS OF

THIS CONVENTION FOR THE DURATION OF THE LEASE. UNQUOTE.

VANCE UNQUOTE VANCE

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 STATE 046198  
ORIGIN EB-04

INFO OCT-01 ISO-00 /005 R

66011  
DRAFTED BY EB/OA/AVP:JSGRAVATT:PMA  
APPROVED BY EB/OA/AVP:AJWHITE  
-----200531Z 015463 /11

R 200250Z MAR 77  
FM SECSTATE WASHDC  
TO AMCONSUL MONTREAL

UNCLAS STATE 046198

FOL RPT STATE 046198 ACTION LAGOS 17 MAR 77 QUOTE

UNCLAS STATE 046198

FOLLOWING TELEGRAM FROM SECSTATE WASHDC DATED MARCH 2, 1977  
SENT CANBERRA, BRIDGETOWN, BRASILIA, OTTAWA, PARIS, BONN, ROME,  
NAIROBI, MEXICO, WARSAW, DAKAR, MOSCOW, LONDON, BUENOS AIRES,  
NEW DELHI, CAIRO, STOCKHOLM, INFO MELBOURNE, RIO DE JANEIRO  
IS REPEATED TO YOU: QUOTE

UNCLAS STATE 046198

E.O. 11652:N/A

TAGS: EAIR, XX

SUBJECT: CIVAIR - MEETING OF SPECIAL LEGAL SUBCOMMITTEE  
MARCH 23-APRIL 7, 1977, LEASE, CHARTER AND INTERCHANGE

1. A METING OF THE ICAO SPECIAL LEGAL SUBCOMMITTEE WILL  
BE CONVENED IN MONTREAL ON MARCH 23-APRIL 7 TO DISCUSS  
PROPOSED SOLUTIONS TO PROBLEMS INVOLVED IN LEASE, CHARTER  
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 046198

AND INTERCHANGE OF AIRCRAFT IN INTERNATIONAL OPERATIONS AND  
REPRESENTATIVES OF HOST GOVERNMENTS EXPECTED TO ATTEND. IT  
IS BELIEVED USEFUL TO INFORM OTHER SUBCOMMITTEE MEMBERS  
WITH REGARD TO OUR INTENDED COURSE OF ACTION PRIOR TO THE

MEETING AND TO SEEK THEIR REACTION AND SUPPORT. FOR THESE REASONS, IT IS REQUESTED THAT EMBASSY ASCERTAIN THE HOST GOVT OFFICE INVOLVED AND MAKE THE FOLLOWING REPRESENTATIONS AS SOON AS POSSIBLE:

A. RECOGNIZING THE NEED FOR ACTION ON LEASE, CHARTER OR INTERCHANGE OF AIRCRAFT INTERNATIONALLY, WE WISH TO SOLICIT VIEWS ON A COURSE OF ACTION INTENDED TO RESULT IN THE TIMELY RESOLUTION OF PROBLEMS INVOLVED IN THE INTERNATIONAL OPERATION OF AIRCRAFT REGISTERED IN ONE COUNTRY AND OPERATED BY NATIONALS OF ANOTHER COUNTRY.

B. THE U.S. IS CONCERNED THAT THE RESPONSIBILITY FOR

SAFETY PLACED ON THE STATE OF REGISTRY BY THE CHICAGO CONVENTION CANNOT ALWAYS BE EFFECTIVELY DISCHARGED WHEN THE AIRCRAFT ARE OPERATED BY NATIONALS OF ANOTHER COUNTRY AND HAS FOR SOME YEARS SOUGHT AN EQUITABLE RESOLUTION TO THE PROBLEM.

B. IT IS NOTED THAT THE SPECIAL SUBCOMMITTEES' TERMS OF REFERENCE INCLUDE CONSIDERATION OF A PROPOSAL FOR AN AMENDMENT TO THE CHICAGO CONVENTION.

C. WE BELIEVE THAT IT WOULD BE ESPECIALLY HELPFUL TO HAVE AN EXPRESSION OF VIEWS WITH REGARD TO PROPOSED LANGUAGE FOR SUCH AN AMENDMENT. IT WOULD FACILITATE THE WORK OF THE SUBCOMMITTEE IF EACH DELEGATION COULD HAVE ALREADY GIVEN SOME CONSIDERATION TO THIS TASK.

D. SUGGESTED LANGUAGE FOR AN AMENDMENT TO THE CONVENTION WAS MADE AVAILABLE AT THE MEETING OF A PANEL OF EXPERTS ON UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 046198

LEASE, CHARTER AND INTERCHANGE WHICH WAS HELD IN MONTREAL LAST OCTOBER, AND IS CONTAINED IN THE ICAO REPORT OF THE MEETING (PE-CHA REPORT) DATED OCTOBER 15, 1976. THE U.S. FEELS THAT AN AMENDMENT ALONG THE LINES CONTAINED IN THE PANEL REPORT WOULD RESOLVE THE EXISTING PROBLEMS IN ASSURING EFFECTIVE SAFETY ADMINISTRATION.

2. WE WOULD APPRECIATE YOUR REPORT OF REACTION OF THE HOST GOVERNMENT TO PROPOSED AMENDMENT LANGUAGE ANNEXED TO

PANEL REPORT.

3. IF HOST GOVERNMENT IS UNABLE TO OBTAIN SUGGESTED

LANGUAGE ANNEXED TO PANEL REPORT, IT IS AS FOLLOWS:  
QUOTE. A CONTRACTING STATE MAY ENTER INTO AN AGREEMENT WITH ANOTHER STATE WITH RESPECT TO SAFETY RESPONSIBILITY

OVER AIRCRAFT OF ITS REGISTRY WHEREBY ALL OR CERTAIN RIGHTS  
AND OBLIGATIONS INVOLVING SUCH SAFETY RESPONSIBILITY  
ASSIGNED TO THE STATE OF REGISTRY UNDER THIS CONVENTION ARE  
TRANSFERRED BY MUTUAL AGREEMENT TO THE OTHER CONTRACTING  
STATE WHEN SUCH AIRCRAFT ARE LEASED WITHOUT CREW TO A  
LESSEE WHO HAS HIS PRINCIPAL PLACE OF BUSINESS OR, IF THE  
LESSEE HAS NO SUCH PLACE OF BUSINESS, HIS PERMANENT RESI-  
DENCE, IN THAT STATE. CONTRACTING STATES NOT PARTIES TO  
SUCH AGREEMENTS SHALL RECOGNIZE THAT THE STATE WHICH AGREES  
TO ACCEPT SUCH SAFETY RESPONSIBILITY SHALL BE SOLELY  
RESPONSIBLE THEREFORE UNDER THE RELEVANT PROVISIONS OF

THIS CONVENTION FOR THE DURATION OF THE LEASE. UNQUOTE.

VANCE UNQUOTE VANCE

UNCLASSIFIED

NNN



## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, COMMITTEE MEETINGS, NEGOTIATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 02-Mar-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01-Jan-1960 12:00:00 am  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977STATE046198  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** COCARY/FFA/AGC:JSTEWART  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770072-0318  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770399/aaaadkcl.tel  
**Line Count:** 402  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 45341fbf-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN FAA  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 8  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 14-Sep-2004 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3227314  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVAIR - MEETING OF SPECIAL LEGAL SUBCOMMITTEE MARCH 23-APRIL 7, 1977, LEASE, CHARTER AND INTERCHANGE  
**TAGS:** EAIR, XX  
**To:** CANBERRA BRIDGETOWN MULTIPLE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/45341fbf-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009